

PLANNING BOARD
Meeting Minutes
Tuesday, May 20, 2013
Town Hall, 120 Main Street
8:00 AM

1 Present: J. Simons, M. Colantoni, R. Rowen, D. Kellogg, L. Rudnicki. L. McSherry

2 Absent:

3 Staff Present: J. Tymon, J. Enright

4
5 Meeting began at 8:03am.

6
7 **POSTPONEMENT**

8 CONTINUED PUBLIC HEARING, 1077 Osgood Street: Application for a Watershed Special
9 Permit and Site Plan Review Special Permit. Applicant proposes to construct a 3,672 sq. ft.
10 single story retail bank, parking lot, and stormwater structures within the Non-Discharge Zone
11 and Non-Disturbance Zone of the Watershed Protection District.

12
13 CONTINUED PUBLIC HEARING, 0 Great Pond Road: Application for a Watershed Special
14 Permit. Applicant seeks to construct a single family dwelling with appurtenances on a presently
15 undeveloped, buildable lot.

16
17 CONTINUED PUBLIC HEARING, 100 Dale Street: Application for a Watershed Special
18 Permit. The project consists of two (2) building lots. Structures on Lot 2 are to be demolished.
19 A single family home with associated clearing, grading, utilities and stormwater maintenance
20 features is proposed for Lot 1 and Lot 2.

21
22 **PUBLIC HEARINGS**

23 CONTINUED PUBLIC HEARING: Annual Town Meeting Zoning Articles

24 **Planning Board Report –May 13 2013**

25 The Planning Board makes the recommendations regarding the following Town Meeting warrant
26 articles as required by M.G.L. c.40A, Section 5 and Chapter 2, Section 9 of the Town Code:

27
28 **Article 4. Authorization to Accept Grants of Easements.** To see if the Town will vote to
29 authorize the Board of Selectmen and the School Committee to accept grants of easements for
30 access, water, drainage, sewer, roadway and utility purposes on terms and conditions the Board
31 and Committee deem in the best interest of the Town;

32
33 Or to take any other action relative thereto.

Board of Selectmen

34 **Planning Board Recommendation Recommendation to be made at Town Meeting**

35 A motion was made by R. Rowen to recommend favorable action on Article 4. The motion was
36 seconded by D. Kellogg. The vote was unanimous.

37
38
39 **Article 5. Authorization to Grant Easements.** To see if the Town will vote to authorize
40 the Board of Selectmen and the School Committee to grant easements for access, water,
41 drainage, sewer, roadway and utility purposes on terms and conditions the Board and Committee
42 deem in the best interest of the Town;

43
44 Or to take any other action relative thereto.

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Board of Selectmen

Planning Board Recommendation Recommendation to be made at Town Meeting

A motion was made by R. Rowen to recommend Favorable Action on Article 5. The motion was seconded by D. Kellogg. The vote was unanimous.

Article 7: Acceptance of a Public Way – Red Gate Lane

To see if the Town will vote to accept and name Red Gate Lane as a public way, as laid out by the Board of Selectmen, and as shown as “Red Gate Lane” on a plan entitled, “Red Gate Lane Street Layout Plan, prepared for Whispering Pines Realty Trust, 4 Sandalwood Lane, Methuen MA 01844, Scale 1” = 40’, March 25, 2013, Waypoint Survey Service”, and to accept deeds to the street and all related easements, shown on plan entitled “Red Gate Pasture Definitive Subdivision Plan, prepared for Red Gate Realty Trust, 33 Walker Road, North Andover MA 01845, November 22, 1996, Scale 1” = 40’, New England Engineering Services, Inc., 33 Walker Road, Suite 23, North Andover, MA 01845”, recorded with North Essex Registry of Deeds as Plan No. 15349 and on the above referenced Street Layout Plan,

or take any action relative thereto.

Planning Board

Board of Selectmen Recommendation: To be made at Town Meeting

Planning Board Recommendation: Favorable Action pending the outstanding issues are resolved

J. Tymon: All outstanding issues have been resolved. The ‘pending outstanding issues’ will be deleted.

Vote Required: Majority Vote

Article 11: Citizen’s Petition – Conveyance of Property from Orchard Village, LLC to Town of North Andover.

To see if the Town will vote to authorize the Board of Selectmen to accept, for no monetary consideration, the conveyance of the following property from Orchard Village, LLC, upon terms and conditions deemed by the Board of Selectmen to be in the best interest of the Town.

That certain parcel of land, together with all buildings and improvements thereon, including without limitation the water pump station and all equipment and pump station apparatus, located off of Salem Turnpike in North Andover, Essex County, Massachusetts, and more particularly described as Lot 33 on a plan of land entitled: “Definitive Subdivision Plan For ‘Orchard Village’ in North Andover, Mass. Record Owners: Agnes M. Kmiec 1996 Realty Trust, 1001 Turnpike Street, North Andover, MA 01845, Applicant: Orchard Village, LLC, 44 Great Pond Road, Boxford, MA 01921, Christiansen & Sergi Professional Engineers Land Surveyors, 160 Summer St. Haverhill, MA 01830, Tel. 978-373-0310”, dated April 2, 2009, last revised on June 9, 2009, and filed with the Essex North Registry of Deeds District of the Land Court on October 16, 2009 as Plan Number 18083E, to which plan reference may be had for a more particular

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description of said Lot 33 (hereinafter referred to as the "Subdivision Plan"). The above Lot is designated "Not a Building Lot" and contains 2,047 square feet (.0470 ac), more or less, according to said Subdivision Plan. Said property shall be conveyed subject to the following conditions:

1. The fee in the roadway shown as the "Proposed Road" and Lot 34 on the Subdivision Plan shall be reserved to the Orchard Village, LLC. There shall be conveyed herewith the right to use, in common with the Orchard Village, LLC and those claiming by through or under the Orchard Village, LLC and others lawfully entitled thereto, the way shown on the Plan as Proposed Road (now known as Empire Drive) for the purpose of ingress and egress to the property granted herein.
2. Orchard Village, LLC shall reserve unto itself, its heirs and assigns, all easements affecting the premises conveyed to the Town and shown on the Subdivision Plan. This conveyance shall be subject to the easements, conditions, and restrictions contained in the Subdivision Plan, and all other easements, reservations, covenants and restrictions of record, insofar as the same are in force and applicable, and acceptable to the Board of Selectmen, however not intending to revive any of the same.
3. Orchard Village, LLC shall also grant to the Town a permanent and perpetual right and easement to re-install, maintain and repair the water mains and associated pipes and fixtures now located within said Lot 34, in common with Orchard Village, LLC and those claiming by through or under the Orchard Village, LLC and others lawfully entitled thereto to use Lot 34 for all purposes that street and ways are currently used in the Town of North Andover. The Grantor shall also reserve the right to install, maintain and repair utilities in Lot 34, excluding the water mains and associated pipes and fixtures.
4. Upon any exercise of the easement rights that disturb the surface of the ground of Lot 34, the Grantee shall reasonably restore the ground to its previous condition. By acceptance of this conveyance, the Town shall accept responsibility for the maintenance, operation and repair of the water booster pump station and all related improvements and equipment located on said Lot 33 and the water mains and associated pipes and fixtures located within said Lot 34.
5. There is reserved unto Orchard Village, LLC an easement and right to connect Orchard Village LLC's remaining land to the water mains and associated pipes and fixtures located within said Lot 34, upon the payment of customary connection fees to the town,

Or take any other action related thereto.

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Petition of Douglas B. Small, et al

Board of Selectmen Recommendation: Favorable Action
Planning Board Recommendation Recommendation to be made at Town Meeting
Vote Required: Majority Vote

Bruce Thibodeau, Director DPW: The Article wording is the way the Town wants it. The pump station is constructed the way the Town wants it.

A motion was made by M. Colantoni to recommend Favorable Action on Article 11. The motion was seconded by L. Rudnicki. The vote was unanimous.

Article 20: Appropriation – Capital Improvement Plan for Fiscal Year 2014. To see if the Town will vote to fund the Capital Improvement Program as listed under the heading “Board of Selectmen/Finance Committee/Town Manager Recommendations” and with the language included,

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FY14 CIP					
Recommendations					
		<u>Board of Selectmen</u>	<u>Other Funding</u>		<u>Authorized to</u>
		<u>Finance Committee</u>	<u>Sources</u>		<u>Borrow under</u>
		<u>Town Manager</u>	<u>(Grants, Chapter 90</u>	<u>Excess bond</u>	
<u>Line #</u>	<u>Project Description</u>	<u>Recommendations</u>	<u>CPA & Spec Rev)</u>	<u>Proceeds</u>	<u>Chapter 44</u>
1	Ambulance	\$ 260,000		\$ (20,688)	\$ 239,312
2	Roadway Improvements	\$ 1,115,000	\$ (775,000)	\$ (29,476)	\$ 310,524
3	Sidewalks Reconstruction	\$ 75,000			\$ 75,000
4	Building Maintnenace	\$ 150,000			\$ 150,000
5	Front End Loader	\$ 230,000			\$ 230,000
6	District Wide Paving	\$ 100,000		\$ (7,309)	\$ 92,691
7	Town Farm: Construction of Playing Fields (Phase I)	\$ 300,000	\$ (300,000)		\$ -
8	Facilities Master Plan Implementation	\$ 3,895,500			\$ 3,895,500
9	IT Room Air Conditioning	\$ 76,839			\$ 76,839
10	Municipal IT	\$ 50,000			\$ 50,000
11	Tractor and Brush Cutter	\$ 125,000			\$ 125,000
12	School IT	\$ 127,131			\$ 127,131
13	Water & High Street Lights, Intersection, Road Improv	\$ 110,000			\$ 110,000
General Fund Total		\$ 6,614,470	\$ (1,075,000)	\$ (57,473)	\$ 5,481,997
14	Replacement of Carbon Filter Actuators	\$ 220,000		\$ (172,809)	\$ 47,191
15	Emergency Power Upgrade WTP	\$ 220,000			\$ 220,000
Water Enterprise Fund Total		\$ 440,000	\$ -	\$ (172,809)	\$ 267,191
16	School St & Bunkerhill St Sewer Replacment	\$ 300,000		\$ (300,000)	\$ -
17	Improvements to vaious Sewer Pump Stations	\$ 1,462,381		\$ (1,462,381)	\$ -
Sewer Enterprise Fund Total		\$ 1,762,381	\$ -	\$ (1,762,381)	\$ -
Total All Funds		\$ 8,816,851	\$ (1,075,000)	\$ (1,992,663)	\$ 5,749,188

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that to meet this appropriation:			
(1) The Treasurer with the approval of the Board of Selectmen is authorized to borrow \$5,749,188 under chapter 44 of the Massachusetts General Law or any other enabling authority,			
(2) a portion of the appropriation for item 1 above shall be funded with the transfer from the following projects in the amounts set forth below, said sum represents excess bond proceeds not needed for the completion of the projects:			
<u>Amount</u>	<u>Project</u>	<u>Date/Article Number</u>	<u>Date Bonded</u>
\$ 4,108.02	Fire Truck	2010 / Art 1	
\$ 1,490.11	Drainage Improvements 2007	2006 / Art 24 Sec 3	2/17/2011
\$ 8,090.00	Senior Center Roof Replacement	2010 / Art 28 Sec 3	6/15/09
\$ 6,999.87	Dump Truck w/plow, sander and basin cleaner	2011 Art 27 Sec 10	2/17/2011
\$ 20,688.00			5/17/2012
(3) a portion of the appropriation for item 2 above shall be funded with the transfer from the following projects in the amounts set forth below, said sums represent excess bond proceeds not needed for the completion of the projects:			
<u>Amount</u>	<u>Project</u>	<u>Date/Article Number</u>	<u>Date Bonded</u>
\$ 1,996.00	Internet Telephone System	2011 / Art 27 Sec 3	5/17/2012
\$ 223.00	School Data Storage and Intergration	2011 / Art 27 Sec 8	5/17/2012
\$ 2,156.00	Network Connection Upgrade	2008 / Art 14 Sec 7	6/15/2009
\$ 25,101.00	Emergency Generator	2011 / Art 27 Sec 7	5/17/2012
\$ 29,476.00			
(4) a portion of the appropriation for item 6 above shall be funded with the transfer from the following project in the amount set forth below, said sum represents excess bond proceeds not needed for the completion of the project:			
<u>Amount</u>	<u>Project</u>	<u>Date/Article Number</u>	<u>Date Bonded</u>
\$ 7,309.00	Fire Sprinkler System - Kittridge School	2010 / Art 28 Sec 12	2/17/2011
\$ 7,309.00			

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(5) a portion of the appropriation for item 14 above shall be funded with the transfer from the following projects in the amounts set forth below, said sum represents excess bond proceeds not needed for the completion of the projects:

<u>Amount</u>	<u>Project</u>	<u>Date/Article Number</u>	<u>Date Bonded</u>
\$ 4,000.28	Lake Co	1991 / Art 12 Sec 20	6/15/2001
\$ 113,925.00	Bear Hill Reservoir	2004 / Art 11 sec 22	6/15/2005
\$ 40,507.28	Water Main Rehab	2007 / Art 21 Sec 19	6/17/2008
\$ 14,376.44	Foxwood Booster Pump	2008 / Art 14 Sec 16	12/15/2009
\$ 172,809.00			

(6) the appropriation for item 16 above shall be funded with the transfer from the following projects in the amounts set forth below, said sum represents excess bond proceeds not needed for the completion of the projects:

<u>Amount</u>	<u>Project</u>	<u>Date/Article Number</u>	<u>Date Bonded</u>
\$27,424.62	East Side Interceptor	2001 / Art 8 Sec 14	refunding bonds 6/15/03
\$5,927.41	Sewer System Ext Phase IVA	2001 / Art 8 Sec 15	refunding bonds 6/15/03
\$30,913.66	Sewer System Ext in Watershed	2002 / Art 11 Sec 24	6/15/2003
\$1,945.00	Angus pump	1992 / Art 21	1/15/1996
\$128,993.07	Sewer Sy Ext Phase 3C	1998 / Art 10 Sec 27	refunding bonds 6/12/08
\$73,875.67	West Side Sewer Trunk Relief	1998 / Art 10 Sec 26	6/15/2001
\$2,439.51	Sewer System Phase III D	2000 / Art 14 Sec 25	4/1/2002
\$900.00	Sewer System Ext Phase IV	2000 / Art 14 Sec 16	4/1/2002
\$897.94	Eastside Sewer Replacement Design	2000 / Art 14 Sec 28	4/1/2002
\$3,000.00	New Bonny Lane Pump Station	2004 / Art 11 Sec 28	6/13/2005
\$23,683.12	Sewer Ext Phase 4D	2005 / Art 10 Sec 5	9/20/2006
\$300,000.00			

(7) a portion of the appropriation for item 17 above shall be funded with the transfer from the following projects in the amounts set forth below, said sum represents excess bond proceeds not needed for the completion of the projects:

<u>Amount</u>	<u>Project</u>	<u>Date/Article Number</u>	<u>Date Bonded</u>
\$123,477.35	Sewer Ext Phase 4D	2005 / Art 10 Sec 5	9/20/2006
\$938,406.39	Waverly Road Relief Sewer Main	2007 / Art 21 Sec 23	6/1/2008
\$400,497.31	Eastside Trunk Sewer	2008 / Art 14 Sec 17	12/15/2009
\$1,462,381.05			

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or to take any other action relative thereto.

Town Manager

Board of Selectmen Recommendation: Favorable Action

Finance Committee Recommendation: Favorable Action

Planning Board Recommendation Recommendation to be made at Town Meeting

B. Thibodeau, Director DPW: Provided an explanation for CIP recommendations (numbers 2, 3, 13, 14, 15, 16 and 17).

A motion was made by D. Kellogg to recommend Favorable Action on the CIP funding line items. The motion was seconded by M. Colantoni. The vote was unanimous.

Vote Required: Two-third (2/3) Vote

EXPLANATION: A capital improvement plan is a major, non-routine expenditure for new construction, major equipment purchase, or improvement to existing buildings, facilities, land or infrastructure with an estimated useful life of five years or more, and a cost of \$25,000 or more. Items in this plan are funded by debt; the Town will issue bonds of 10, 15 or 20 years (depending upon the project) and pay principal and interest payments over that term. The bonds may be general obligation (funded by the general tax levy) or special obligation (funded by water or sewer rates).

Article 26: Authorize the Acquisition of the Rea's Pond Sewer Pump Station. To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain the sewerage pump station and contiguous sewer lines, manholes, conduits and other appurtenances necessary for the flowage of sewerage and associated with the operation of the sewer system known as the Great Pond Road Pumping Station by Rea's Pond, including but not limited to all right, title and interest in any easements associated with said sewer system, and all right, title and interest to all and every property interest, real or personal, in any manner associated with the sewer system, which are located in the areas shown as "Easement1" and "Easement 2" on plan of land entitled "Easement Plan, Rea's Pond Pumping Station, Great Pond Road, North Andover, Massachusetts," dated March 8, 2013, Scale 1" = 50', drawn by Merrill Associates, Inc., Hanover, MA, and to pay no damages for said eminent domain taking,

or to take any other action relative thereto.

Town Manager

Board of Selectmen Recommendation: Favorable Action

Conservation Commission Recommendation: Favorable Action

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Planning Board Recommendation **Recommendation to be made at Town Meeting**

B. Thibodeau, Director DPW: Provided an overview and justification for Article 26 and Article 27.

A motion was made by R. Rowen to recommend Favorable Action on Article 26. The motion was seconded by L. McSherry. The vote was unanimous.

Vote Required: **Two-third (2/3) Vote**

EXPLANATION: The Town is planning substantial upgrades to an existing sewer pump station at Rae's Pond (see Article 20 above). This town owned pump station is located on an easement previously acquired from the Conservation Commission. This Article is a legal requirement prior to commencing work on said pump station.

Article 27: Approve Special Legislation for Easement at Rea's Pond Sewer Pump Station.

To see if the Town will vote to authorize the Board of Selectmen to file a petition to the Legislature to authorize, notwithstanding the provisions of Article 97 of the Constitution of the Commonwealth of Massachusetts, or any general or special law to the contrary, the Conservation Commission of the Town of North Andover to grant to the Town of North Andover Board of Selectmen a permanent easement upon the land shown as "Easement 1" and "Easement 2" on Plan entitled "Easement Plan, Rea's Pond Pumping Station, Great Pond Road, North Andover, Massachusetts," dated March 8, 2013, Scale 1" = 50', drawn by Merrill Associates, Inc., Hanover, MA, which land is currently under the care, custody and control of the Conservation Commission, to be used for the use and replacement of the existing sewerage pump station and contiguous sewer lines, manholes, conduits and other appurtenances associated with the operation of the sewer system known as the Great Pond Road pumping station,

or to take any other action relative thereto.

Town Manager

Board of Selectmen Recommendation: **Favorable Action**

Conservation Commission Recommendation: **Favorable Action**

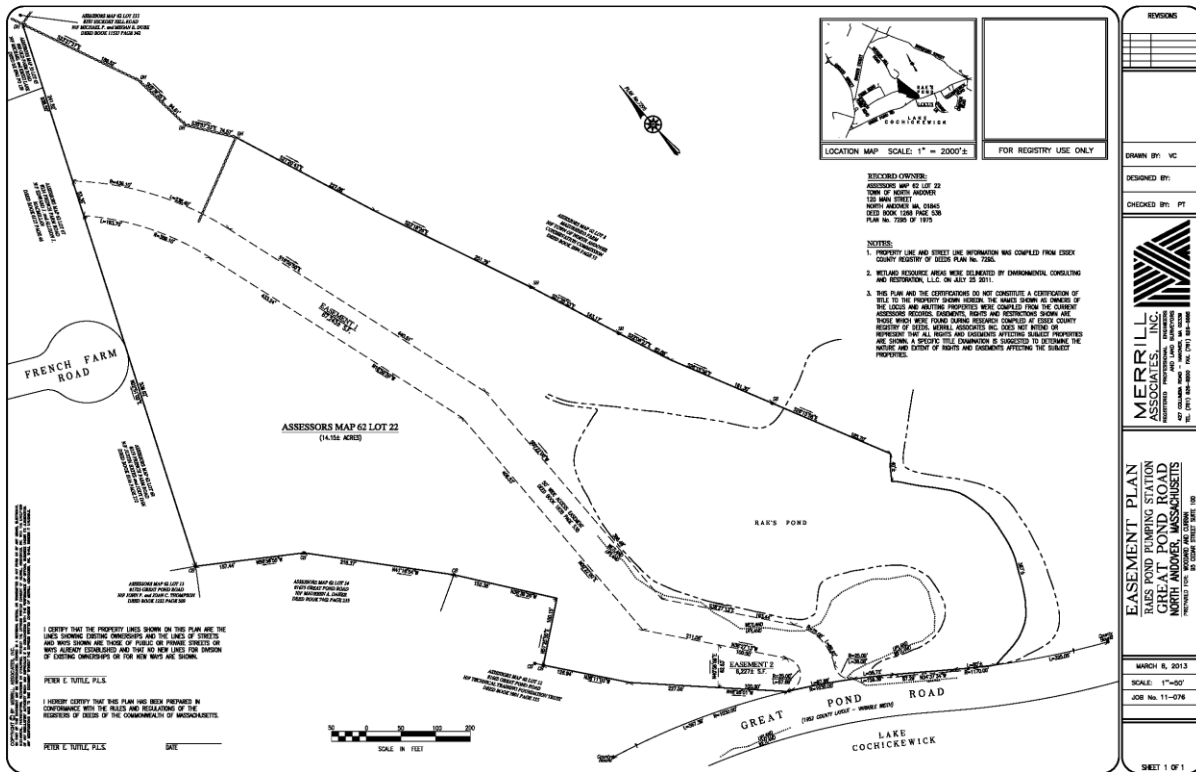
Planning Board Recommendation **Recommendation to be made at Town Meeting**

A motion was made by L. McSherry to recommend Favorable Action on Article 27. The motion was seconded by R. Rowen. The vote was unanimous.

Vote Required: **Majority**

EXPLANATION: See EXPLANATION for Article 26 above.

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Article 29: Amend Zoning Bylaw – Section 6: Signs and Outdoor Lighting Regulations.

To see if the Town will vote to amend the Town of North Andover Zoning Bylaw, Section 6 Signs and Sign Lighting Regulations, Subsection 6.3 Definitions by defining an “Off-Premise Sign” and amending Subsection 6.5 to allow projecting signs and prohibiting Off-Premise Signs,

or to take any other action relative thereto.

Amend Section 6 by adding the underlined language and deleting the marked section to read as follows:

SECTION 6 SIGNS AND SIGN LIGHTING REGULATIONS

6.3 Definitions

- A-Frame Sign/Sandwich Board: A portable, temporary sign or device capable of standing without support or attachments.
- Accessory Sign - A sign that advertises activities, goods, products, or a specific use, owner, or tenant, available within the building or on the property on which the sign is located, or advertises the property as a whole or any part thereof for sale or rent.

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- Animated Sign: Any sign that uses movement or a change of lighting to depict action or create a special effect or scene.
- Building Frontage - The length in feet of a ground floor level of a building front or side facing a street (or facing a right-of-way accessible from a street) that is occupied by an individual business.
- Directional Sign - A non-accessory sign containing no advertising and giving direction to community (non-commercial) activities, buildings, areas, such as churches, schools, playgrounds, museums, historical sites, public buildings, etc. Sign not to exceed 12"x30".
- Display Window Signs - Temporary signs on the surface of or inside display windows, lighted only by the general building illumination.
- Erect - Shall mean and include to construct, place, relocate, enlarge, alter, attach, suspend, and post.
- Flagpole - A pole erected on a roof, or projecting from a building or structure or on the ground.
- Freestanding Sign - Shall mean and include any sign not attached to a building or the ground.
- Ground Sign - Any sign erected on the ground which is self-supported and anchored to the ground.
- Illuminated Sign - Illuminated sign shall mean any sign illuminated by electricity or other artificial light including reflective or phosphorescent light and shall include location of source of illumination.
- Marquee - Any sheltering structure of permanent construction projecting from and totally supported by the wall and/or roof of a building.
- Non-Accessory Sign - Any sign that is not an accessory sign.
- Obscene - shall have the meaning as that term is defined in Massachusetts General Laws Chapter 272, Section 1. Massachusetts General Laws, Chapter 272, Section defines "obscene" as follows:
 - appeals to the prurient interest of the average person applying the contemporary standards of the county where the offense was committed;
 - depicts or describes sexual conduct in a potentially offensive way; and
 - lacks serious literary, artistic, or political or scientific value.
- Off-Premise Sign - A sign that advertises products or services that are not sold, produced, manufactured or furnished on the property where the sign is located. An outdoor display is an off-premise sign.
- Permanent Sign - Any sign permitted to be erected and maintained for more than sixty (60) days.
- Primary Sign - The principal accessory sign which may be a wall, roof, or ground sign, as allowed in Section 6.6.
- Projecting Sign - Any sign which is attached or suspended from a building or other structure and any part of which projects more than twelve (12) inches from the wall surface of that portion of the building or structure.
- Roof Sign - Any sign erected, constructed, and maintained wholly upon, connected to, or over the roof or parapet of any building with the entire support on the roof or roof structure.

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294 • Secondary Sign - Is a wall, roof, or ground sign intended for the same use as a primary sign
295 but smaller dimensions and lettering, as allowed in Section 6.6.

296 • Sign - A sign is any structure, mechanically or electrically driven, still or moving device,
297 light, letter, figure, word, model, banner, pennant, trade flag, or representation that is designed to
298 be seen from outside the lot on which it is erected. It advertises activities, goods, places, persons,
299 objects, institutions, organizations, associations, businesses or events, products, services, or
300 facilities available either on the property where the sign appears or in some other location. The
301 definition includes electric signs in windows or doors, but does not include window displays or
302 merchandise. A sign may be permanent or temporary.

303 • Sign Size (Area)

304 (a). For a sign, either free-standing or attached, the area shall be considered to include all
305 lettering, wording and accompanying designs and symbols, together with the background,
306 whether open or enclosed, on which they are displayed but not including any supporting
307 framework and bracing which are incidental to the display itself.

308 (b). For a sign painted upon or applied to a building, the area shall be considered to
309 include all lettering, wording, and accompanying designs or symbols together with any
310 backing of a different color than the finish material of the building face.

311 (c). Where the sign consists of individual letters or symbols attached to or painted on a
312 surface, building, wall or window, the area shall be considered to be that of the smallest
313 rectangle or other convex shape which encompasses all of the letters and symbols.

314 • Temporary Sign: A sign permitted to be used on a short-term basis for the duration of no
315 longer than sixty (60) days unless otherwise specifically provided herein.

316 • Wall Sign - Any sign affixed to, suspended from or painted on a wall, window, marquee, or
317 parapet.

318
319 6.5 Prohibitions:

320 • No sign shall be lighted, except by steady, stationary light, shielded and directed solely at the
321 sign. Internally lit signs are not allowed.

322 • No illumination shall be permitted which casts glare onto any residential premises or onto
323 any portion of a way so as to create a traffic hazard.

324 • No sign shall be illuminated in any residential district between the hours of 12:00 midnight
325 and 6:00 a.m. unless indicating time or temperature or an establishment open to the public during
326 those hours.

327 • No sign having red or green lights shall be erected within sight of a traffic signal unless
328 approved as non-hazardous by the Chief of Police.

329 • No animated, revolving, flashing, or exterior neon sign shall be permitted.

330 • No pennants, streamers, advertising flags, spinners or similar devices shall be permitted,
331 except as allowed by the board of Selectmen.

332 • Corner visibility shall not be obstructed.

333 • No sign shall be erected, displayed, or maintained upon any rock, tree, fence, or utility pole.

334 • No sign shall be erected, displayed, or maintained if it contains any obscene matter.

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- Flags and insignia of any Government when displayed in connection with commercial promotion.
- No sign shall obstruct any means of egress from a building.
- ~~Projecting signs are prohibited.~~
- Non-accessory signs are prohibited except for directional signs as allowed in Section 6.6, B.
- No signs shall be attached to motor vehicles, trailers or other movable objects regularly or recurrently located for fixed display.
- No off-premise signs.

Board of Selectmen

Board of Selectmen Recommendation: Favorable Action

Planning Board Recommendation: Recommendation to be made at Town Meeting

Curt Bellavance, Director Community Development: Provided an explanation for the three recommended changes to Section 6 Signs and Sign Lighting Regulations. The definition of Off Premise Sign will be slightly modified when presented at Town Meeting.

A motion was made by D. Kellogg to recommend Favorable Action on Article 29 with the revision recommended by C. Bellavance. The motion was seconded by M. Colantoni. The vote was unanimous.

Vote Required: Two-third (2/3) Vote

EXPLANATION: This Article will prohibit off-premise signs and would allow the use of projecting signs. The Article also changes the definition of an ‘off-premise’ sign.

Article 31: Amend Zoning Bylaw – Section 8: Supplementary Regulations by adding Subsection 8.11: Wind Facilities. To see if the Town will vote to amend the Town of North Andover Zoning Bylaw, by adding Section 8.11 Wind Facilities in order to allow time to make the appropriate amendments to the Zoning Bylaw to allow the use of Wind Facilities,

or to take any other action relative thereto.

Amend Zoning Bylaw by adding a new Section 8.11 to read as follows:

8.11.1 Purpose: Provide restrictions that will allow the Town adequate time to consider whether to allow the construction and operation of on-site and utility-scale wind facilities and to provide standards for the placement, design, construction, monitoring, modification and removal of wind facilities that address public safety, give consideration to impacts on scenic, natural and historic resources of the town and provide adequate financial assurance for decommissioning, to the extent that such facilities are permitted under state laws and regulations, and if so, where and under what conditions. This interim bylaw shall provide to the town the opportunity to study the potential impacts of wind facilities on adjacent uses and on general public health, safety and

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welfare, and to develop zoning and other applicable regulations that appropriately address these considerations consistent with statewide regulations and permitting procedures.

8.11.2 Definition: This interim bylaw shall apply to all commercial wind facilities where the primary use of the facility is electrical generation to be sold to the wholesale electricity markets. This bylaw also applies to all on-site wind facilities located at a residential, commercial, industrial, agricultural, institutional, or public facility ~~that will consume more than 50% of the electricity by the project on-site.~~

8.11.3 Interim Restriction: Wind Energy Facilities shall not be permitted in any zoning district in the Town of North Andover so long as this Section 8.11 is effective, as set forth in Section 8.11.4 below. Use variances shall be strictly prohibited.

8.11.4 Expiration: The Moratorium shall be in effect through July 1, 2014, so that the Town of North Andover can enact superseding zoning regulations that set forth the allowed locations, dimensional, parking and other requirements applicable to wind energy facilities.

Board of Selectmen

Board of Selectmen Recommendation: Favorable Action

Planning Board Recommendation: Recommendation to be made at Town Meeting

A motion was made by L. McSherry to recommend Favorable Action on Article 31. The motion was seconded by D. Kellogg. The vote was unanimous.

Vote Required: Two-third (2/3) Vote

EXPLANATION: This Article places a moratorium on the installation of wind energy systems until July 1, 2014. The moratorium will allow the Town sufficient time to create a Wind Energy System Zoning Bylaw.

Article 33: Amend Zoning Bylaw – Section 18: Downtown Overlay District, Subsection 18.2: Permitted Uses. To see if the Town will vote to amend the Town of North Andover Zoning Bylaw, Section 18 – Downtown Overlay District, Subsection 18.2 Permitted Uses,

or to take any other action relative thereto.

Amend Section 18.2 by adding the following underlined language to read as follows:

SECTION 18 DOWNTOWN OVERLAY DISTRICT

18.2 Permitted Uses

The following uses shall be permitted by right in the Downtown Overlay District:

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1. General merchandise retail stores and salesrooms
2. Specialty food stores, retail bakeries and coffees shops
3. Sporting goods stores
4. Craft, hobby, book and music stores
5. Art gallery
6. Hardware stores
7. Convenience stores
8. Drug stores, pharmacies
9. Banks
10. Professional offices
11. Medical or dental offices
12. Business services such as copying and mailing services
13. Travel agency
14. Municipal, civic or public service buildings, such as post office, telephone exchanges, town offices, school, library, museum, or place of worship
15. Hall, club, theater, or other place of amusement or assembly
16. Food services establishments such as full or limited service restaurants and drinking establishments
17. Indoor amusements
18. Bed and breakfast facility or inn with six (6) rooms or less
19. Multi-family dwelling (18 or less units)
20. Mixed-use structures
21. Any accessory use customarily incident to any of the above permitted uses, provided that such accessory use shall not be injurious, noxious, or offensive to the neighborhood.

The following uses shall be permitted by special permit in the Downtown Overlay District:

1. Drive-thrus for any of the above allowed uses
2. Free-standing automated teller machine (ATM)
3. Day care center
4. Bed and breakfast facility or inn with more than six (6) rooms
5. Hotel or motel
6. Funeral homes
7. Any retail use listed above as an allowed use that exceeds a gross floor area of 25,000 sq. ft.
8. Public garage
9. Multi-family dwelling (greater than 18 units)

Board of Selectmen

PLANNING BOARD
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Board of Selectmen Recommendation: Favorable Action

Planning Board Recommendation: Recommendation to be made at Town Meeting

Curt Bellavance, Director Community Development: Provided an explanation and intent of Article 33.

A motion was made by L. McSherry to recommend Favorable Action on Article 33. The motion was seconded by M. Colantoni. The vote was unanimous.

Vote Required: Two-third (2/3) Vote

EXPLANATION: The change would continue to allow multi-family residences, by right, if they are 18 units or less. If a proposal is greater than 18 units, the project would be subject to receiving a special permit by the Planning Board. Special Permits require a public hearing and are subject to greater scrutiny.

ADJOURNMENT

MOTION:

A motion was made by R. Rowen to adjourn the meeting. The motion was seconded by D. Kellogg. The vote was unanimous.

The meeting adjourned at 8:40am.

MEETING MATERIALS: Agenda, Article 28-Chickens, Planning Board Report—Revised 5/20/2013.